

**EXHIBIT 7: REPORT OF OPINIONS OF TONY STEPHENS**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,

Plaintiff,

v.

BENTON EXPRESS, INC., et al,

Defendants.

CIVIL ACTION NO.: 2:05CV194-T

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DEFENDANT'S SECOND RULE 26(a)(2) DISCLOSURES

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COMES NOW the Defendant, Benton Express, and provides the following as its Second Rule 26(a)(2) Disclosures:

Initial Preliminary Report of Opinions of Steve A. Stephens

Steve A. Stephens may be called to testify as an accident reconstructionist at the trial of this matter. Mr. Stephens may also be called as a rebuttal witness to rebut any opinions offered by the Plaintiff in the areas of accident reconstruction and/or law enforcement, whether those opinions are offered by M.P. Stirling or any other witness. Mr. Stephens served as a State Trooper for the State of Alabama for approximately twenty-five (25) years. When he retired from the Alabama State Troopers in 2004, he held the position of Commander of the Traffic Homicide Unit. During his tenure, he investigated numerous traffic accidents and also completed many hours of specialized education in his field of expertise. Since his retirement from the Alabama State Troopers in 2004, Mr. Stephens has worked as a traffic accident reconstruction consultant for Southeast Collision Analysis, Inc., of Brunswick, Georgia. Mr. Stephens' qualifications are more particularly described in the curriculum vitae ("CV") that is

attached hereto. Mr. Stephens has not testified since becoming a private consultant. As a result, he does not have a list of testimony to disclose.

Mr. Stephens will offer opinions concerning accident reconstruction in this matter. His opinions may corroborate, clarify, and expound on the information revealed in the Fatal Traffic Collision Investigation. His opinions may also criticize, contradict, and/or rebut the conclusions and opinions reached by the investigating police officers and M.P. Stirling. Mr. Stephens may testify concerning the speed, direction, and path of the truck and its final point of rest. Mr. Stephens may also discuss other elements of accident reconstruction, such as perception and reaction time or the lack thereof of a driver such as Mr. Roby or Craig Stephens based on the circumstances of the accident. Mr. Stephens may also give opinions concerning the direction and location of Mr. Roby at all relevant times and the direction and location of Craig Stephens at all relevant times. Mr. Stephens may also opine about Benton Express' contact with authorities and the timing of that contact and what authorities can and should do based on the reports made by Benton Express.

More specifically, Mr. Stephens may testify that there is conflicting evidence as to the events of the accident. There is evidence to indicate that, along with Craig Stephens' vehicle, Ronald Roby was traveling on I-85 South at the time of the accident. There is also evidence to indicate that Craig Stephens was traveling at a safe speed to negotiate the ramp from I-85 South to I-65 South and that an unidentified car may have caused him to miss the ramp. Mr. Stephens may also opine that Benton Express acted as a reasonably prudent motor carrier when it contacted law enforcement authorities and that Benton Express provided the authorities with all of the information that they needed to locate Craig Stephens prior to the accident. Mr. Stephens reserves the right to amend, append, revise, or supplement this report when other materials are provided through further discovery or if anything causes his opinions to change.



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served on the following via U.S. mail, postage prepaid and properly addressed on this the 30<sup>th</sup> day of November, 2005:

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